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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/776,351

02/12/2004

Kazuo Kondo

023971-0380

1727

22428

7590

09/20/2006

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EXAMINER

FLEMING, FAYE M

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/776,351	Applicant(s) KONDO ET AL.	
	Examiner Faye M. Fleming	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 12-18, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 9-11 and 19-22 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 8, 12-18 and 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Zalewski, et al (5,700,026).

Zalewski discloses a vehicle height adjusting apparatus comprising a suspension spring 302 supporting a sprung weight of a vehicle; a pivotal unsprung member 318 carrying a road wheel 338 and connected to a lower end of the suspension spring so as to pivot in response to deformation of the suspension spring; and a drive mechanism 306, 308. The drive mechanism is disposed between a vehicle body side member and the unsprung member so as to be in parallel relation with the direction in which the suspension spring deforms resiliently. The drive mechanism is disposed rearward of the suspension spring. The drive mechanism 306, 308 comprises a line member 322, 324 connected at one end thereof to one of a vehicle body side member and the unsprung member and a drive unit 326, 328 disposed at the other of the vehicle body side member and the unsprung member and capable of driving the line member toward and away from the other of the vehicle body side member and the unsprung member. The drive mechanism further comprises a resilient member 314, 316 connected to the other end of the line member, the drive unit being capable of driving the line member by way of the resilient member. The drive unit comprises a reel 314, 316 connected to the other end of the line member and rotatable to wind up the line member, a drive source for driving the reel and a worm gearing for transmitting power from the drive source

to the reel, the worm gearing including a worm connected to the drive source and a worm wheel attached to the reel so as to be rotatable together with the reel in response to rotation of the worm. The suspension member is elongated in a front-to-rear direction of a vehicle so that the end portion is a front end portion. The suspension member rotatably supports the road wheel at a rear end portion thereof, the line member 322, 324 being connected to the rear end portion of the suspension member. The suspension member rotatably supports the road wheel at a rear side portion located forward of a rear end, the line member 322, 324 being connected to the rear end of the suspension member. The suspension member is elongated in a vehicle width direction so that the end portion is an inboard end portion. The suspension member rotatably supports the road wheel at an outboard end portion thereof, the line member 322, 324 being connected to the outboard end portion of the suspension member. The drive unit 326, 328 comprises a reel 314, 316 connected to the other end of the line member 322, 324 and a reversible motor drivingly connected to the reel.

Allowable Subject Matter

3. Claims 6, 7, 9-11 and 19-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

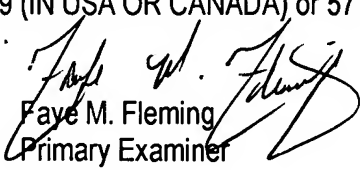
Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye M. Fleming whose telephone number is (571) 272-6672. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Faye M. Fleming
Primary Examiner
Art Unit 3616

09/15/04